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10/632,865	08/04/2003	Eung-Sun Kim	45453	4628

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Joseph J. Buczynski  
Roylance, Abrams, Berdo & Goodman, L.L.P.  
Suite 600  
1300 19th Street  
Washington, DC 20036

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

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10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/632,865

Applicant(s)

KIM, EUNG-SUN

Examiner

Daniel Tekle

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed August 03, 2007 have been fully considered but they are not persuasive.

Applicant argues on page 7 the last paragraph of the remark, ".....Sparrell et al. on the other hand stores the image signals in the buffer for the duration of time corresponding to a playback time of a program of interest. This has no relation to the claimed invention".

In response the examiner respectfully disagree. Sparrell et al. discloses, "If the program guide information indicates that the program currently viewed is a major television network movie that started 30 minutes late than original scheduled, a buffer memory capable of storing two hours will be utilized rather than one for just one and one-half hours" (paragraph 0038). The above note shows that the user have a fully control of the buffer memory to reserve the duration of time whether exact playback time or not.

Applicant argues on page 8 second paragraph of the remark, "Sparrell et al. also fails to disclose a main control unit for temporarily storing a video signal in an allocated buffer area in the storage device when a command for temporary storage is received from the input unit and for recording the temporary video signal in a long-term storage area of the storage device according to a set recording format as in claims 1 and 13. Sparrell et al. does not disclose or suggest this feature".

In response the examiner disagree. Sparrell et al. discloses the recording/playback 106 controls to determine the appropriate buffer memory size need to fully record a program (paragraph 0038). Also the user can elect at any time to have a program to store in long-term or temporary storage (paragraph 39 lines 3 and paragraph 40 lines 6-7).

Applicant argues on page 8 3<sup>rd</sup> paragraph of the remark regarding dependent claims 2-3, "Sparrell et al. does not discloses setting a new buffer area in a non-recording area of the storage device upon receiving a command for long-term recording and attribute information of the long-term recording area as in claim 2, the main control unit incorporating the remaining storage space in the buffer area into the non-recording area as in claim 3.

In response the examiner disagree. Sparrell et al. discloses a long-term memory and buffer memory (paragraph 0040 lines 6-7). Also the recording/playback controls to determine the appropriate buffer memory size needed to fully record a program set according start and end time (paragraph 38 lines 3-6). Therefore Sparrell et al. invention has an option to divide the storage to plurality store area and an option of buffer memory to use whether long term or not (paragraph 0041 lines 3-4). This is similar to setting a new buffer area and attribute information (time start and end as mentioned above).

Applicant argues on page 8 last paragraph regarding claim 4, "Sparrell et al. also does not disclose a main control unit copying and recording the temporary stored signal

in the non-recording area of the storage device and deleting the video signal temporarily stored in the buffer area”.

In reply the examiner disagree. Sparrell et al. discloses releasing a buffer memory area for overwriting when the buffer is no longer needed. This occurs when a buffer stores the oldest program and new buffer memory space needed to store new program (paragraph 0027 lines 17-19). Therefore the copying, storing and deleting is similar to transferring, storing and overwriting as explained above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sparrell et al (US 20030118321).

**Regarding Claim 1:** Sparrell et al. discloses a video recording/reproducing apparatus capable of storing in a storage device a video signal received from a video signal source, and reproducing and outputting the stored video signal to an display device, comprising: an input unit for selecting a function supported in the video recording/reproducing apparatus, selecting one among a plurality of allocated buffer time, and outputting a command (**paragraph 0026**); and a main control unit for

temporarily storing a received video signal in a buffer area allocated in the storage device if a command for temporary storage is received from the input unit so that a certain amount of the video signal received from the video signal source is temporarily stored in the temporarily allocated buffer area of the storage device for selecting buffer time (paragraph 0019), and for recording in the storage device in a long-term basis the video signal temporarily stored in the buffer area according to a set recording format if a recording command instructing a long-term recording process for the temporarily stored video signal of the buffer area is received from the input unit **(paragraph 0040-0041)**.

**Regarding Claim 2:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, wherein: if the recording command instructing the long-term recording process is received from the input unit, the main control unit sets a new buffer area in a non-recording area of the storage device, records in a previous buffer area in a long-term basis a video signal temporarily stored in the previous buffer area, and records attribute information of the long-term recorded video signal in a set attribute information recording area **(paragraph 0038, 0040-41 and 0043)**.

**Regarding Claim 3:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 2, wherein: if the buffer area in which the video signal is temporarily stored has a remaining storage space, the main control unit incorporates the remaining storage space into the non-recording area **(paragraph 0027)**.

**Regarding Claim 4:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 2, wherein: if the recording command instructing the long-term recording process is received from the input unit, the main control unit copies and

records in the non-recording area of the storage device the video signal temporarily stored in the buffer area, deletes the video signal temporarily stored in the buffer area, and records in the set attribute information recording area the attribute information of the video signal recorded in the non-recording area in the long-term basis (**paragraph 0027 and 0038**).

**Regarding Claim 5:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 2, wherein: the attribute information of the video signal recorded in the attribute information recording area has at least any one of a start address, an end address, a recording rate, and a recording time of the video signal (**paragraph 0038**).

**Regarding Claim 6:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, wherein: if a command signal for deleting the video signal temporarily stored in the buffer area is received from the input unit, the main control unit deletes the video signal temporarily stored in the buffer area (**paragraph 0027**).

**Regarding Claim 7:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, further comprising: an interface unit mounted in a main body to receive the command transmitted from the input unit (**paragraph 0026**).

**Regarding Claim 8:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, wherein: the input unit includes an external input unit which is external of the apparatus (**paragraph 0026**).

**Regarding Claim 9:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 8, wherein: the external input unit includes a remote controller

provided with a plurality of keys and transmits infrared signals corresponding to key selections **(paragraph 0026)**.

**Regarding Claim 10:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 9, further comprising: an interface unit mounted in a main body and including a light-receiving part for receiving the infrared signals transmitted from the remote controller **(paragraph 0026)**.

**Regarding Claim 11:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, wherein: the video signal source includes any one of a tuner receiving broadcast signals, a disc player reproducing a signal recorded in a recording medium, and an external input port inputting video signals from external devices **(paragraph 0028)**.

**Regarding Claim 12:** Sparrell et al. discloses a video recording/reproducing apparatus as claimed in claim 1, wherein: the storage device includes a hard disc driven by a hard disc drive **(paragraph 0027)**.

**Regarding Claims 13-15:** Claims 13-14 are rejected for the same subject matter as claims 1-2 and 4 respectively.

**Regarding Claim 16:** Sparrell et al. discloses a storage device control method as claimed in claim 13, wherein: the input unit is external of the video recording/reproducing apparatus **(paragraph 0026)**.



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Tekle

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600